

Appl. No. 07/702,615
Response filed on October 3, 2002

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 94 and 95 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejection in view of the amendments and remarks set forth below.

Priority

It is gratefully acknowledged that the Examiner has recognized Applicant's claim for foreign priority and the receipt of the certified copy. In view of the fact that Applicant's claim has been perfected, no additional action is necessary on Applicant's part at this time.

Drawings

It is noted that the Examiner has disapproved drawing corrections filed on April 12, 1999. The Examiner has made no further comments. If further changes are necessary to the drawings, he is requested to specify these requirements.

Appl. No. 07/702,615
Response filed on October 3, 2002

Rejection under 35 U.S.C. § 103

Claims 48, 51-58, 60-67, 72, 75-79 and 93 stand rejected under 35 U.S.C. § 103 as being obvious over Mabuchi (4,431,933) in view of Japanese document '450, Japanese document '953 and Campbell (3,041,118). This rejection is respectfully traversed. These claims have been canceled by way of the present amendment. Accordingly, this rejection is moot.

Interview

Applicant notes with appreciation the interview granted by Examiner Tamai on September 4, 2002. While no agreement was reached at the interview, some suggested amendments were discussed which are formally being presented herewith.

Claims 94 and 95 have now been added to replace the canceled claims. These claims are identical except that the first uses "consisting of" in the preamble while the second includes "comprising". Each claim describes a combination of elements including an electric brush assembly for a DC motor, including two pairs of electrically conductive support arms, each pair being connected in parallel and each arm carrying a carbon brush body which is carried by an interference fit. An end cap carries the support arms and a commutator is in contact with the brushes. Each

Appl. No. 07/702,615
Response filed on October 3, 2002

arm and brush body has a different natural resonance frequency due to different materials. These claims are based on the previous independent claims, limited to the four-brush arrangement, using an interference fit to the brush body and including the end cap mounting. Thus, this claim includes limitations previously found in claims 51, 53 and 61 in addition to the limitations previously found in the independent claim.

Applicant submits that this combination of elements is not seen by the four references cited by the Examiner, nor would they be obvious thereover. Therefore, Applicant submits that claims 94 and 95 are patentable.

Conclusion

In view of the above remarks, it is believed that the claims distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejection and allowance of all the claims are respectfully requested.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number of the

Appl. No. 07/702,615
Response filed on October 3, 2002

undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Joe McKinney Mundy
Joe McKinney Mundy, #32,334

2007 KM/RFG/mua
1928-0128P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment: Version with Markings to Show Changes Made

(Rev. 11/28/01)

Appl. No. 07/702,615
Response filed on October 3, 2002

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 48, 51-58, 60-67, 72, 75-79 and 93 have been canceled.

Claims 94 and 95 have been added.